

The Herald and News

THE EXPLANATION
OF MR. DOMINICK.THE TESTIMONY HE GAVE BEFORE
THE COMMITTEE.What Senator Hough Said After Having
Heard Mr. Dominick's Statement
of the Matter.

[The State, 9th.]

The action of the legislative investigating committee in the case of Representative Dominick, of Newberry, was not a surprise to those who heard the testimony in the case.

The official findings of the investigating committee were not filed with the governor yesterday as was expected, to be by that official transmitted to the general assembly. This was not done because two of the members of the committee had to leave the city before the typewritten copy could be prepared, and it will have to be sent to them for their signatures.

In order that Representative Dominick's explanation may reach the public, the stenographic report of his testimony before the committee is given here:

Mr. Chairman: During the close of the session of 1901, a bill was introduced in the legislature by Mr. Mauldin, of Pickens, as to distilleries in two miles of school houses in Pickens county. That bill was amended by providing for the establishment of distilleries in cities of over 20,000 population. It came to the house, and there was a non concurrence and it was sent to a conference committee which failed to agree and then of course to a free conference committee, of which I was a member. That committee consisted of Senators Brantly, Hough and Herndon on the part of the senate, and Messrs. Butler, Cosgrove and myself on the part of the house. That committee met, and after a full and thorough discussion of the subject in the ways and means committee room up stairs, we made the report that you find in the journal of 1901, and I would like for the committee in making up their reports and findings, to look carefully and compare this proviso as reported by this committee with the free conference report under discussion. I mention this to show the connection between them. That report was adopted in the house. I think, without discussion. It was signed unanimously by the two committees from the house and the senate and adopted without discussion. The matter came up and the State board of directors appointed beer dispensers, and upon the advice of the attorney general the governor refused to issue any commissions to the appointees of the State boards, saying that the act conferred no power upon the State board. The attorney general gave, I think, one, or two opinions; I think two. As I was the mover in that matter, at the last session of the legislature, 1902, I wanted to perfect that part of the bill so that what I believed to be the intention of that same legislature could be carried into effect. I had a bill prepared intending to introduce it myself in the house, but for private reasons not necessary to state, I did not do it, but requested Senator Raynor through a member of the house to introduce it. He introduced it in the senate by request, and I think it was introduced upon the last day that a bill could go through but it was reported back that same afternoon from the committee, "Not reported in time," and it could not pass. I then began to try and find some means to get it through by means of a free conference report as the original bill of 1901 had been gotten through the senate in 1902. I went to Senator Hough two or three days before the report was presented. I saw him in the senate and asked if he remembered the other bill under discussion and upon which free conference committee he was on last year, and related to him that the attorney general held that it conferred no new power on the board and it could not make the appointments. I think he said he remembered and I asked him if he was willing to stand by his action of last year and perfect the bill and I told him I would have Gov. Tillman to appoint him on the free conference committee. This was the last talk I had with him. The next question was where would I get my report?

I had heard of legislation going through by means of free conference

reports when entire bills were changed. I had been told of a bill providing for the holding of courts in the fifth circuit in the free conference, which became an act for holding the court and the supreme court sustained it as an act. This bill passed in 1901, and was passed in the same manner. I asked one or two parliamentary authorities and they told me that it was admissible. I did not think I was wrong, and I still think I was not. The thing was, where would I get my bill. Although Mr. Raynor disclaimed having any knowledge of the report and also intimated as I consider it, that I did not get hold of his bill fairly, although he disclaims it, Senator Raynor was also asked by myself and Mr. Lide in the presence of a party not a member of the general assembly, for the use of the bill and he allowed it to be used, as stated by Mr. Lide this morning. I then went to Gov. Tillman and asked him to appoint a certain free conference committee upon that bill, and it is needless to say the ones he was asked to appoint I had seen before hand, but instead of appointing the members that I had asked him to appoint, he appointed Senator Ilderton and Senators Douglass and Hough. I took the bill over to the committee, who were appointed, the bill which Mr. Raynor had introduced in the senate, and used that as the basis of my free conference report, in fact, the only change I made at all, was some minor change and used the printed bill and pasted on it one of the ordinary free conference reports. I signed it at once and so did Mr. Butler and Mr. Tatum a short time afterwards, and on Friday afternoon I took it over to the senate chamber. I had the two reports and not one, as some have stated this morning they were made in duplicate. As I was coming, I think to the clerk's desk, I spied Senator Hough and Senator Dean, sitting at Senator Dean's desk, reading over and comparing some enrolled acts. I addressed Senator Hough, and told him I had a free conference report to sign, and to the best of my recollection he asked me was that the report I had mentioned a few days ago, and I told him it was, and he took the report and looked at it and I believe read it, although my recollection is not sufficiently clear to state it positively, but I think he did and then he signed it. I next saw Mr. Ilderton—that afternoon—and, by the way, as far as Senator Hough is concerned, that is all that took place at any time to come under a disagreement. I next saw Senator Ilderton. He was at his desk and I told him I had a committee report to look over. He went with me over to the sofa and read the bill over and Senator Ilderton signed it, and he stated no mis

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representations were made to him. I took it to Senator Douglass that afternoon in company with Mr. Butler, and Senator Douglass has stated exactly what took place with him, no use to say anything further about that. The house took a recess that night about 8:30, I suppose, and I went out to the theatre and stayed until 9:30, which was the time to reconvene. I came back into the house at that time, and immediately upon its being called to order, I secured the floor and presented the report. Some members asked some questions about it, and I again secured the floor and in 20 minutes or one half hour I went into the minute details of the report, explaining it in every particular, and telling why I introduced it in that manner, and giving the different details of the bill. I tried not to rush it through. Fifty or 60 members were present. The report was overwhelmingly defeated, and its defeat as I had no chance to see the conference, I knew it was no use to send it to the senate, but when Mr. Banks, the reporter for The State, asked me for a copy I gave him the report that was to have gone to the senate together with a copy of it. That is everything that occurred to the best of my recollection, connected with the matter.

Mr. Mayfield—Was there any free conference to railroad this matter through?

No, sir, there was not. I am glad you mentioned that, because I wish to state here, because I have heard it intimated that possibly some high State officials were into this matter, and there was a conspiracy to run it through, but I state here, as I stated on the floor of the house, that I was responsible for the entire matter, and there was no conspiracy at the instigation of any official, and at the instigation of no one but myself.

Mr. Bacon—You state there was no free conference action at all and you were not induced to do it by State officers. What prompted you then to introduce this bill, either original or in the form which you did, by free conference amendment?

That is one question that I had not intended to explain, but as it has been asked me, I will explain it. It takes in some Charleston history, and I will state the reasons that it was introduced was on account of matters in Charleston county, where by one of my best personal friends was deprived of a business he had in the city of Charleston, the best paying business in that city as far as the dispensary was concerned, and deprived of it for political reasons, and looking at it in a business standpoint, he was unjustly ousted from his business, and when he told me of it—I have known him for several years—I took the matter up and in hand for him and tried my utmost to get it through. I do not like to inject personal matter into this, but I must state it so you will have it perfectly clear that I was not attempting to conceal anything. I would like to ask the committee to read carefully the report of the free conference last year, and this year, and the only difference in the report Mr. Hough signed, was that this year's is more explicit.

Here is Senator Hough's supplemental testimony, given after hearing what Mr. Dominick said, which the committee viewed as removing the apparent discrepancy between their statements:

Mr. Hough recalled: I understand that this bill originally read was something about Pickens county. It is the first time I have seen it. It was about opening dispensary in Pickens county. That was all I remember in our meeting of conference of a year ago. If Mr. Dominick approached me a year ago, I do not remember anything about it except something about Pickens county. That was the only impression left on me. I remember being in a committee room since Mr. Dominick has mentioned it, and if he approached me about this there is a misunderstanding between us, as I do not remember if he did. If I gave him an answer it was on account of a local matter—Pickens and I had the matter in my head. That is all I have to say in addition.

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When the trustees met this morning Cadet Claude Douthit, chairman

A Good Hearted Man,

or in other words, men with good sound hearts, are not very numerous. The increasing number of sudden deaths from heart disease daily chronicled by the press, is proof of the alarming prevalence of this dangerous complaint, and as no one can foretell just when a fatal collapse will occur, the danger of neglecting treatment is certainly a very risky matter. If you are short of breath, have pain in left side, smothering spells, palpitation, unable to lie on side, especially the left, you should begin taking



J. A. Kremer, will occur, the danger of neglecting treatment is certainly a very risky matter. If you are short of breath, have pain in left side, smothering spells, palpitation, unable to lie on side, especially the left, you should begin taking

Dr. Miles' Heart Cure.

J. A. Kremer of Arkansas City, Kans., says: "My heart was so bad it was impossible for me to lie down, and I could neither sleep nor rest. My decline was rapid, and I realized I must get help soon. I was advised to try Dr. Miles' Heart Cure, which I did, and candidly believe it saved my life."

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THE CLEMSON INQUIRY

[Continued from first page.]

he had called Mr. Martin for a specific reason, that in 1896 he was teaching at Johnston, S. C., and Martin at Ridge Spring, S. C., and that they had had a falling out because Martin had written letters to Hartzog's patrons, reflecting on his conduct of the school. One of these letters was offered in evidence, in which it was claimed that he (Martin) was doing better work than Hartzog. This, he claimed, showed personal malice on Martin's part. An affidavit, signed by J. H. Woodward, who left the college in January, and a paper, signed by a number of cadets, corroborated by the testimony of probably a dozen others, showed the existence of a feeling among the students that they could not reach the trustees except through the president and that he would not treat them fairly. Dr. Brackett and Col. Shanklin testified in behalf of President Hartzog, that when the committee of cadets announced to him that they were going to leave that he appealed to them not to act hastily and that he would forward their petition if they would file it. Major Earle corroborated this.

This closed the testimony in the Thornwell case and Rev. Dr. Thornwell made a brief address to the trustees, claiming that it had not been shown that his son had violated any rule nor had been guilty of any wrongdoing, and that the punishment was in excess of the alleged offense; that the class left college because they believed that they could not receive justice as long as President Hartzog remains, and that had a person been president whom they liked they would have consulted him before leaving. The board then took a recess.

CADET THORNWELL REINSTATED — THE SOPHOMORE CLASS ALLOWED TO RETURN — HARTZOG'S RESIGNATION TO BE CONSIDERED IN JUNE.

[Special to News and Courier.]

Anderson, May 10.—The investigation of the recent trouble in the college has been concluded and the trustees have adjourned and gone home. The net results of the investigation are these: Cadet Thornwell has been reinstated. The sophomore class will be allowed to return and resume their studies on the condition that they will be ready to stand their examinations in September for entrance to the junior class. The charges which were preferred by the committee of students against President Hartzog were withdrawn. President Hartzog has tendered his resignation, to take effect at the pleasure of the trustees. The resignation will not be considered or acted on until the regular meeting of the board in June, at commencement. President Hartzog's resignation was placed in the hands of the board several days ago. He said he tendered it so the trustees might not feel any embarrassment or hesitancy on his account in making the most rigid and thorough investigation.

When the trustees met this morning Cadet Claude Douthit, chairman

of the student committee which preferred the charges against the president, submitted the following signed statement:

Whereas, the students of Clemson College have preferred charges against President Hartzog, and these charges have developed sufficiently to show to the board of trustees that there is a widespread dissatisfaction against President Hartzog on the part of the students, we are, therefore, willing to leave the further investigation of this matter in the hands of the trustees. Pending this investigation we will not press our charges.

Signed: Claude Douthit, M. F. Ziegler, T. J. Robertson, Jr., S. M. Ward, Jr., David Kohn, E. B. Boykin, W. E. G. Black, B. H. Gardner, Newton D. Walker.

"Do I understand," asked Senator Tillman, "that the committee proposes to drop these charges and leave this whole matter now to the trustees, willing to accept and abide by our decision?"

Cadet Douthit said that was the intention.

"Then," said Senator Tillman, "there is nothing for the board to do but to go into executive session and make up its decision regarding young Thornwell and the sophomores, that is, unless President Hartzog wants to go on with the investigation of the charges. What do you say, Mr. Hartzog?"

President Hartzog replied that he was ready and willing now, as he had been all along, to go into a full and complete investigation as to his conduct and administration of the College. "The committee have with drawn their charges on their own volition, not in any way at my suggestion or request," he said, "and it is no compromise on my part. I am willing to go on with an open investigation, or I am willing to leave it all in the hands of the trustees. I believe they will do justice and that is all I want. The matter rests entirely with them."

"I would like to say," said Cadet Douthit, "that our committee has taken this step only after mature consideration and with the good of Clemson College the sole purpose in view."

"Then," said Senator Tillman, "I move that the board now go into executive session."

This was carried and the board retired. They were in session over two hours. Finally, when it was stated that the trustees were ready to announce their decision, the faculty and students reassembled in the chapel. The decisions were read by Senator Tillman. He read them in a very impressive manner. The students cheered loudly the decisions in regard to Cadet Thornwell and to the sophomore class, but there was no disorder or unseemly demonstration. The decisions are as follows:

"The board, after a more searching investigation into the causes which led to the suspension of Cadet Thornwell, and the action of the faculty in refusing the petition of the class for reinstatement, find as follows: First that the offense was not of such magnitude and seriousness as to warrant the sentence imposed, and that the punishment was entirely disproportionate to the seriousness of the offense. The evidence shows that the faculty was never in possession of all the facts in the case, and while there was some grounds for its action, we feel that the trial was not conducted with that seriousness and thoroughness which should obtain in any case which involves the character and good name of a cadet. The meagreness of the minutes, and

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MENTAL AND MORAL.

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inability of the faculty to present to the board, in written form, a record of the proceedings, is censurable, and we shall expect it never to occur again. We can understand how there might be a difference of opinion, as appears to have existed in the faculty, on account of the incompetent evidence before it. The faculty divided evidently on the question of intent. On the one hand, there was a belief that the student understood their obligation in regard to this property. On the other, the contention of the cadets, that custom had led them to believe they had the right to take these tubes, influenced the judgment of some members of the faculty to the extent that the vote for suspension was fifteen, while those who voted against such punishment were thirteen, and the error was in not giving the benefit of the doubt to the boy. It is also an extenuating circumstance as to the severity of punishment that at the last meeting of the board it laid great stress, by resolution, upon the lax discipline and somewhat loose way in which the college was being run, and ordered a strenuous effort to remedy it. The action of the faculty upon the first serious case that had come before it was possibly the result of its desire to comply with the expressed demands of the board. It is therefore ordered that Cadet Thornwell be reinstated to the rights and privileges as a cadet in the college.

"The action of the sophomore class in leaving the college, without exhausting all remedies and making appeal to the board for a redress of grievances, is one of great seriousness. No college can be successfully run at which discipline is not strictly maintained, least of all an institution with such a large number of students as we have here, and situated as Clemson College is, in the country. It is the purpose and intention of the board to require from any student who may avail himself of the opportunities that we offer here implicit obedience to all lawful authority. Any combinations having for their object the destruction of discipline and subversion of good order will be punished to the extent of our power. Understand, we want it distinctly understood that the idea which seems to prevail to some extent among the cadets, that they have the right to assemble in mass meeting or class meeting and legislate on college affairs, cannot be too strongly condemned. The faculty is clothed with authority to govern the college under rules and regulations which are accessible to the students, and there is no excuse for the claim of ignorance of the right of appeal to the trustees in any case involving their rights. This board have on several occasions previously shown its willingness and purpose to give a patient hearing to the students and to redress grievances. We want to stress, with all due solemnity, the feeling of the trustees, that rather than submit to mob law taking control of Clemson

and having the students attempt to coerce the faculty, to resist the college authorities, we will lay down as a general principle of the college government here that we will in future, if necessary, dismiss the entire student body and begin anew before we will tolerate the continuance of any such spirit. In the case before us it is the first that has come before the board in the history of the college, we find that the sophomores did not appeal to the trustees, which they should have done, but they left the college without due consideration when they should have given such a serious step. It may be stated in extenuation of their offense that their sense of justice had been outraged, and their hot and impulsive young blood had led them to resort to this revolutionary action because they were sensible of the wrong done their classmates and unwilling to submit themselves to similar treatment. We sympathize with the chivalrous feeling which led them to do this. We have some of our own, some of us, and were boys ourselves once. Therefore we are ready to make due allowance for this blunder of youth, and permit such of the class as desire to do so to resume their studies immediately or at the beginning of the next session, as they may elect. Such students as avail themselves of this privilege will be received in the college upon the following condition: 1st. They must present a petition to the president of the college asking reinstatement. 2nd. They must make good, by extra labor, the time lost and the work that is required in the courses and the examinations which are customary must be passed as though nothing had occurred. In view, however, of the time already lost and of the nearness of the end of this term, such examinations will not be required until the opening of the next session."

It was nearly 1 o'clock when Senator Tillman finished reading and, as all the trustees were in a hurry to get away to catch a train to Greenville, a motion to adjourn was quickly put and carried. There was no speech making, nothing but the simple reading of the board's decision. In a few minutes the trustees had all left the college grounds and the show was over.

The members of the sophomore class, who came here to attend the investigation, have decided to accept the terms laid down by the trustees and will remain until the end of the session. Not only are they doing this, but they are telegraphing to their classmates to come back.

Cadet Thornwell went home yesterday, but will be back tomorrow.

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